

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

EDNA GOYA, an individual,

Plaintiff,

VS.

MERCK & CO., INC., a corporation;
MCKESSON CORPORATION, a
corporation; and DOES 1-100,
inclusive.

Defendant.

CASE NO. 06-CV-2574 H (AJB)

**ORDER SUBMITTING
MOTION TO STAY AND
MOTION TO REMAND ON
THE PAPERS**

(Doc. Nos. 6 & 10.)

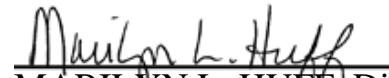
Defendant Merck & Co., Inc. (“Merck”) removed this case from state court on November 21, 2006. (Doc. No. 1.) In her complaint, Plaintiff Edna Goya alleges that she suffered injuries caused by her use of Merck’s product, Fosamax. (*Id.*) On December 14, 2006, Merck filed a motion to stay proceedings pending a decision by the Judicial Panel on Multidistrict Litigation as to whether this action should be transferred to In re Fosamax Prods. Liab. Litig., MDL NO. 1789, currently pending before Judge John Keenan in the Southern District of New York. (Doc. No. 6.) Merck noticed its motion for January 16, 2007. On December 29, 2006, Plaintiff filed a motion to remand. (Doc. No. 10.) Plaintiff noticed her motion for February 12, 2007.

Pursuant to its discretion under Civil Local Rule 7.1(d)(1), the Court submits the motions on the papers without oral argument. Additionally, the briefing schedules for

1 the motions remain unchanged. If the Court determines that oral argument is
2 appropriate, it will notify the parties and set a hearing date.

3 IT IS SO ORDERED.

4 DATED: January 5, 2007

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6 MARILYN L. HUFF, District Judge
7 UNITED STATES DISTRICT COURT
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